

Application No. 09/857,682
Amendment dated November 7, 2005
Response to Office Action dated May 11, 2005

REMARKS

Claim Amendments

Claim 36 has been amended to correct two typographical errors. No new matter is added by this amendment.

Request for Continued Examination

Herewith, Applicant submits a Request for Continued Examination to further prosecution of this Application.

Examiner Interview

Applicant thanks the Examiner for extending the courtesy of an interview regarding the outstanding Office Action dated May 11, 2005. During the interview, Applicant explained the present invention, as defined in the appended claims, and noted the clear distinctions over cited reference Bathe et al U.S. Patent No. 5,558,083. During the interview, the Examiner requested that the Applicant submit a Request for Continued Examination along with brief comments explaining the substance of the interview and the understanding reached between the Applicant and the Examiner.

During the interview, the Applicant explained that Bathe et al '083 fails to teach or suggest any sort of means or method for determining whether a patient monitor (gas sensing bench 52) is operating properly.

In contrast, the present invention provides a unique arrangement for determining whether a measuring device (e.g. patient monitor 7) is functioning properly. For example, as defined in claim 36, the arrangement includes means for periodically feeding a reference signal to the measuring device. The reference signal has a real, known reference value. A controlling device is adapted to compare a measuring value generated by the measuring device based on the reference signal with the real, known reference value of the reference signal. If the compared values differ substantially from one another, the controlling device is adapted to take a safety measure. As discussed during the interview, such a unique arrangement is neither taught nor suggested by the Bathe et al '083 reference.

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During the interview, the Applicant also noted that the statements made by the Examiner in paragraphs 1 and 4 do not correspond. That is, in paragraph 1, the Applicant refers to a CPU as being equivalent to the claimed measuring device, and in paragraph 4 the Examiner states that the gas sensing bench 52 is equivalent to the claimed measuring device. Obviously, these comments are in conflict.

Conclusion

In accordance with the remarks set forth above and the discussion during the Examiner interview, the present Application is believed in condition for allowance with claims 36-58. Such action is respectfully requested.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop: RCE, P.O. Box 1450, Alexandria, VA 22313-1450, on this 7th day of November, 2005.



Aleshia T. Prange

November 7, 2005
Date